

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH

MONDAY, AUGUST 4, 2003

**5:00 P.M. - Room B-8 for
Public Comments on Closed
Session Items**

7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. – Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present – (Houchen arrived 5:08 p.m. during Closed Session.)

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late
Communications Received by Her Office Which Pertain to Items on the Agenda**

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

None for Closed Session

**Public Comments Regarding Closed Session Agenda Items (Referenced on the
Following Page)**

***Speaker representing the HB Police Officers Association regarding Closed Session
“meet and confer” item. Informed of mediation meeting results which the HBPOA fully
supports and requested Council consideration.***

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

Call Closed Session of City Council/Redevelopment Agency
Approved 6-0-1 (Houchen arrived 5:08 p.m. during Closed Session)

Recommended Action: Motion to recess to Closed Session on the following items:

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Southern California Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC02021. (120.80) **(See Agenda Item E-14)**
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Huntington Beach City Council v. Connie Brockway, City Clerk, and Scott Baugh, et al.**, Orange County Superior Court Case No. 02CC14276. (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Howard Jarvis Taxpayers Assn., et al. v City of Huntington Beach, et al.**; Orange County Superior Court Case No. 818780; Court of Appeal, 4th District, Case No. G029292. (120.80)
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)
5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Anthony Matteson v. City of Huntington Beach, et al.**; USDC Case No. SACV-98-563 AHS (Eex). Subject: **Matteson v. City of Huntington Beach.** (120.80)
6. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **City of Huntington Beach v. Huntington Beach Police Officers Association**; United States District Court, Case No. SA 01-1125 GLT. Subject: **Gun Range** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

City Attorney reported on Closed Session #3 – refrain from filing appeal.

Approved 5-2 (Coerper, Green-NO)

Closed Session #2 – refrain from filing an Appeal. Approved 7-0

Closed Session #1 – authorized filing an Appeal. Approved 6-1 (Green-NO)

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present

Pledge of Allegiance – Led by Mayor Connie Boardman.

Observe Moment of Silence – To reflect on matters before Council this evening.

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

The City Clerk announced Late Communication on D-1.

Presentation - To Mayor Connie Boardman and Junior Lifeguard Coordinator II David Simcox by Jerry Dominguez, Southern California Edison Company. Mr. Dominguez will be presenting a check in the amount of \$2,500 for the Junior Lifeguard Program. (160.40)

B. PUBLIC COMMENTS

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet attached to this agenda.

After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Due to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda.

So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting.

However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council.

**This is the time to address Council regarding items of interest or
on agenda items OTHER than Public Hearings.**

3 minutes per person, time may not be donated to others.

No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

Public Comments:

1. ***Representative of So. Coast Air Quality Management District (SCAQMD) introduced herself to Council and distributed handout.***
2. ***Speakers re: dangerous traffic condition on Newland Street, rear-end accidents etc; giving history of striping on street, bike lanes, parking circumstances, speeding and danger to children, side mirrors on cars removed by trucks. Recommendation for stop sign, and no truck sign.***
3. ***Speakers on behalf of PSS (Project Self-Sufficiency) re: Public hearing Item D-1 requested full salary funding for Program Director, Susan Edwards.***
4. ***Speaker requested yield signs to be put back on Warner and Newland, problems with alleys and need to restore green "yield" dots. Recommend putting "no truck" sign south on Newland and stop sign where fatalities have occurred. Mayor stated meeting between Department of Public Works, Mayor and neighbors would be set up.***
5. ***Speaker displaying bottles of wastewater and other bottles combining salt, water, and contaminants.***
6. ***Speaker in support of opening El Toro for commercial air flights.***
7. ***Speaker offered a prayer as there is not an Invocation on agenda.***
8. ***Speaker opposed to Long Beach Airport extension. He gave his e-mail address for persons to contact him and stated he would have a website soon. He requested the City Council to have an advisory vote on the matter.***

(Continued on the Next Page)

9. *Speaker re: Closed Session Item #2 spoke regarding the Council decision that the Fair District Initiative is to be placed on the ballot.*
10. *Speaker in support of Agenda Item E-14 stated he believed Environmental Impact Report (EIR) on Poseidon Desalinization Plant is not adequate; however if plant approved he requested Council to be sure financial aspects are taken care of.*
11. *Representative of the (O.C. Regional Airport Authority distributed photos and requested Council to ask staff to review City of Long Beach Plan in order to see if it would be detrimental to City of Huntington Beach.*
12. *Speaker opposed to school district actions which caused to bring about settlement on behalf of children; stated that current Council was not responsible for a property tax lawsuit.*

C-1. Council Committee/Council Liaison Reports

Mayor Pro Tem Green stated that she wished to extend her appreciation to all The volunteers in the City who recently exceeded 3500 hours of volunteering their time and work to the City.

C-2. City Administrator's Report - None

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's June 2003 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for June 2003.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for June 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Recommended Action - Approved 6-0-1 (Houchen out of room)

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Approval of the 2003-2004 Action Plan for the (CDBG) Community Development Block Grant/HOME Programs as Proposed by Staff and the Citizens Participation Advisory Board (CPAB) and Authorize Submittal of the Action Plan to the U. S. Department of Housing and Urban Development (HUD) (340.70)

Communication from Economic Development Director.

Public hearing to consider approval of the 2003/2004 Action Plan in accordance with the City's Consolidated Plan (CP) as required by the U.S. Department of Housing and Urban Development (HUD) for receipt of \$1,722,000 in Community Development Block Grant (CDBG) funds, and \$868,391 in HOME Investment Partnership (HOME) funds. The 2003/2004 Action Plan proposes the CDBG and HOME budgets from October 1, 2003 to September 30, 2004, a twelve-month period.

The City followed its Citizen Participation Plan. The Citizen Participation Advisory Board (CPAB) held two public hearings on community needs and held subsequent monthly public meetings. Citizens may review and comment on the draft 2003/2004 Action Plan in the Department of Economic Development or at the Central Library. The public comment period will begin July 15 and end August 14, 2003. Public comments received during this time will be attached to the Action Plan and sent to HUD.

CDBG REVENUE:	AMOUNT
CDBG 2003/2004 Entitlement Grant	\$1,722,000
STAFF-PROPOSED CDBG ACTIVITIES:	
Administration	\$305,184
Fair Housing Council	39,216
City Gym & Pool Sec. 108 Loan Payment	259,560
Code Enforcement Program	172,475
Community Job Center	67,026
Street Construction	392,856
Park Improvements	75,000
Housing Rehabilitation Loan Program— Administration	152,383
Community Service Programs	31,000
Oak View Community Center	51,204
Oak View Library Literacy Program	34,000
Project Self-Sufficiency	81,392
Seniors Outreach Program	<u>60,704</u>
TOTAL:	\$1,722,000

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CPAB-PROPOSED CDBG ACTIVITIES:

Administration	\$305,184
Fair Housing Council	39,216
City Gym & Pool Sec. 108 Loan Payment	259,560
Code Enforcement Program	172,475
Community Job Center	67,026
Street Construction	392,856
Park Improvements	75,000
Housing Rehabilitation Loan Program— Administration	152,383
Adult Day Services	10,000
Community Service Programs	27,000
Community Care Health Centers	23,000
Oak View Community Center	51,204
Oak View Library Literacy Program	32,000
Project Self-Sufficiency	60,096
Seniors Outreach Program	<u>55,000</u>
TOTAL:	\$1,722,000

HOME Investment Partnership

In an effort to expand and preserve its existing affordable housing stock, Huntington Beach has worked with Community Housing Development Organizations (CHDOs) to acquire multifamily rental properties. These buildings are rehabilitated and then are made available to persons below 60% of Orange County median income for a minimum of 30 years. The CHDO must enter into an agreement with the City that outlines all of the affordability requirements, property maintenance standards, and long-term monitoring requirements that are required by HOME regulations.

The following activities are proposed for the 2003/2004 HOME program:

HOME REVENUE:	AMOUNT
HOME 2003/2004 Entitlement Grant	\$ 868,391

HOME PROPOSED ACTIVITIES:

Administration	86,839
Acquisition	<u>781,552</u>
	\$868,391

The Consolidated Plan sets local policies and priorities for the development of a viable urban community by providing decent housing and a suitable living environment and expanding economic opportunities principally for low- and moderate-income persons. The city intends to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations in order to provide for: the production and operation of affordable housing; a suitable living environment improving the safety and livability of neighborhoods; assistance to homeless persons and persons at risk of becoming homeless to obtain appropriate housing, without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; and expand economic opportunities including job creation and retention.

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Public comments can be made at the hearing and during the public review period. A copy of the Draft Action Plan, which includes a detailed listing and description of the proposed activities is available at the Central Library, 7111 Talbert Avenue, Huntington Beach, during normal library hours; and at the Economic Development Department, 5th floor, 2000 Main Street, Huntington Beach, Monday through Friday, between the hours of 8:00 AM and 5:00 PM. Written comments can be addressed to: Connie Brockway, City Clerk, City of Huntington Beach, 2000 Main Street - 2nd floor, Huntington Beach, California 92648, Phone: (714) 536-5227

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

CPAB Chair Jim Moreno distributed Late Communication dated 8-4-03.

Recommended Action: Motion to:

Citizens Participation Advisory Board Recommendation:

1. Approve the 2003-2004 Citizens Participation Advisory Board Recommended Action Plan (Attachment 1), for the CDBG Program in the amount of \$1,722,000 and the HOME Program in the amount of \$868,391;

and

2. Authorize the City Administrator to execute the required certifications;

and

3. Authorize submission of the Action Plan to the U. S. Department of Housing and Urban Development.

4. ***Motion to amend motion to approve CPAB Recommendation, by decreasing community Clinic from \$23,000 to \$12,000 and to move the \$11,000 to PSS.***

Approved 4-3 (Sullivan, Coerper, Green-NO)

5. Approve a revised Citizen Participation Plan, as required by HUD.

Approved 7-0

OR

Staff Recommendation:

1. ~~Approve the 2003/2004 Staff Recommended Action Plan (Attachment 2), for the CDBG Program in the amount of \$1,722,000 and the HOME Program in the amount of \$868,391;~~

and

2. ~~Authorize the City Administrator to execute the required certifications;~~

and

(Continued on the Next Page)

~~3. Authorize submission of the Action Plan to the U. S. Department of Housing and Urban Development;~~

and

4. Approve a revised Citizen Participation Plan, as required by HUD.

Approved 7-0, Approved under CPAB above

***Motion to Approve CPAB Recommendation as amended 6-0-1 (Sullivan-NO)
Study Session to be held at a future date uncertain regarding the Police Department's
Community Service Program (CSP).***

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

E-1. Deleted

- E-2. (City Council) Receive and File City Clerk's Report Listing Professional Services Agreements Filed in the City Clerk's Office between January 1, 2003 through April 30, 2003** (600.05) – Receive and file the *List of Professional Services Agreements* entered into by City Departments as submitted to the City Clerk's Office for the period January 1, 2003 through April 30, 2003. Submitted by the City Clerk. Funding Source: Not Applicable. (Report presented pursuant to City Council directed policy of November 19, 2001. (Report lists 28 agreements – agreements are on file in the Office of the City Clerk.)

Study session to be scheduled re: process used for HB Municipal Code Chapter 3.03. Approved 7-0

- E-3. (City Council) Approve Appropriation for the July 1, 2003 Stop Loss Insurance Renewal and Supplemental Retirement Payments Fiscal Year 2002/2003 per Fiscal Impact Statement 2003-28** (.) – Approve appropriation of \$345,000 to Self Insurance Medical Fund from General Fund unreserved fund balance for stop loss insurance renewal and increase supplemental retirement payments from Supplemental Retirement Unreserved Fund Balance in the amount of \$500,000. Submitted by the Administrative Services Director. Funding Source: General Fund Unreserved Fund Balance in the amount of \$345,000 and Supplemental Retirement Unreserved Fund Balance in the amount of \$500,000.

In response to Councilmember Sullivan the City Administrator stated that a report at a future date uncertain would be given relative to the amount of the unfunded liability would be made. Approved 7-0

- E-4. (City Council) Approve Youth Board Appointments of Whitney Gaglio, Andrew Kreitz, Karisa Maw, Sean McBride, Kristin Ornelas, Lauren Thomas, and Jennifer Baca With Terms to Expire June 2004 – Approve Reappointments of Jessica Lusso and Ben Robin With Terms to Expire June 2004** (110.20) – 1. Approve the appointments of **Whitney Gaglio, Andrew Kreitz, Karisa Maw, Sean McBride, Kristin Ornelas, Lauren Thomas, and Jennifer Baca** to the Youth Board term to expire June 2004 and 2. Approve Reappointments of **Jessica Lusso and Ben Robin** to the Youth Board term to expire June 2004. Submitted by the Community Services Director and as Recommended by Council Liaisons Mayor Pro Tem Cathy Green and Councilmember Jill Hardy. Funding Source: Not Applicable.

Councilmember Jill Hardy stated that she and Mayor Pro Tem Green had a very difficult selection to make and congratulated appointees. Approved 7-0

- E-5. (City Council) Approve Promotion of One Sergeant to Lieutenant to Fill Vacancy Due to the Retirement of One Lieutenant in August 2003 as an Exception to the Hiring Freeze Adopted by the City Council on May 19, 2003 (to Keep Staffing at Allocated Levels)** (.) – Approve the promotion of one (1) Lieutenant in August 2003 as an exception to the hiring freeze. Submitted by the Chief of Police. Funding Source: The existing, approved Police Department budget can absorb the cost of the Lieutenant. The funds are available in Police Department General Fund Account, Patrol (Business Unit). (The staff report sets forth that on July 7, 2003 Council approved a budget reduction from 12 to 11 Lieutenant positions. Due to the retirement of one Lieutenant in August and to keep the appropriate number of Watch Commanders in the Patrol Division it is necessary to promote one Sergeant to Lieutenant.)

Approved 7-0

- E-6. (City Council) Approve Appointments of Fredrick Koepp and David Guido to the Environmental Board With Terms to Expire June 30, 2007** (.) – Approve the appointments of **Fredrick Koepp** and **David Guido** to the Environmental Board for terms to expire on June 30, 2007. Submitted by the Planning Director as recommended by Council Liaisons Mayor Connie Boardman and Councilmember Jill Hardy. Funding Source: Not Applicable.

Councilmember Jill Hardy congratulated the appointees. Approved 7-0

- E-7. (City Council) Accept Bid and Award Construction Contract to Valverde Construction, Inc. for Water Pipeline Replacement Projects ; CC-1188 on Florida Street (between Clay Avenue/Altamar Drive) and Alabama Street (between Adams Avenue/Knoxville Avenue)** (.) – **1.** Accept the lowest responsive and responsible bid submitted by Valverde Construction, Inc. in the amount of \$1,325,464 for the construction of the Water Pipeline Replacement Projects, CC-1188; and **2.** Accept the Alternate Bid items A-1 and B-1 submitted by Valverde Construction, Inc. for a total additional amount of \$36,000; and **3.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$2,000,000 are available in the Water Fund, Water Main Replacement Account.

Approved 7-0

- E-8. (City Council) Approve Contracts CP-0207 and CP-0208 Between the Orange County Sanitation District and the City for the Cooperative Projects Program – Fiscal Year 2003/2004 (Speer/McFadden Infiltration Project and Alabama Inflow Project – Storm Drain Catch Basins between Hartford and Joliet Avenues)** (600.25) – Approve and authorize the Mayor and City Clerk to execute the *Orange County Sanitation District Cooperative Projects Program Contract*, No. CP-0207 and *Orange County Sanitation District Cooperative Projects Program Contract*, No. CP-0208. Submitted by the Public Works Director. Funding Source: No funding is required for the agreement. Funds in the amount of \$100,000 are available from the Sewer Service Charge Fund, Professional Services Account for the first phase of each of the projects. (The staff report sets forth that the city obtained grants for both projects from the Orange County Sanitation District Cooperative Projects Program grant applications.)

Public Works Director, Robert F. Beardsley reported at request of Councilmember Sullivan. Approved 7-0

- E-9. **(City Council) Adopt Resolution No. 2003-55 Confirming Reports of Cost for 2003 Weed Abatement on Private Property within the City** (.) – Adopt Resolution No. 2003-55 – “A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property within the City – 2003 Season,” and direct that all charges listed thereon be certified to the Orange County 2003-2004 Tax Roll. Submitted by the Public Works Director. Funding Source: A special assessment totaling \$35,735.80 will be charged to the Orange County property tax roll and reimbursed to the City by the County of Orange as part of the ordinary collection process.

Adopted 7-0

- E-10. **(City Council) Approve 2003-2004 Proposed Budget – West Orange County Water Board (WOCWB)** (320.80) – Approve the Fiscal Year 2003/2004 proposed West Orange County Water Board Budget in the amount of \$331,000. Submitted by the Public Works Director. Funding Source: Funds are proposed in the Fiscal Year 2003 - 2004 Budget. The total proposed budget for the WOCWB is \$331,000. Huntington Beach total share for the fiscal year is \$185,691. \$71,473 of the total budget will be funded by interest and excess reserves of the Board. The net contribution for Fiscal Year 2003-2004 for the City of Huntington Beach will be \$145,595. (Pursuant to Joint Powers Agreement between cities of Huntington Beach, Garden Grove, Westminster, and Seal Beach.)

Approved 7-0

- E-11. **(City Council) Approve Agreement for the Conveyance of Wastewater Between the City of Huntington Beach and the City of Seal Beach (Sunset Aquatic Park)** (.) – Approve and authorize the Mayor and City Clerk to execute the *Agreement for the Conveyance of Wastewater Between the City of Huntington Beach and the City of Seal Beach.* Submitted by the Public Works Director. Funding Source: No funding necessary. (The staff report sets forth that the Agreement stipulates Seal Beach’s obligations, including compensation for maintenance and capital improvements as a condition for acceptance of wastewater flows from Sunset Aquatic Park.)

The Public Works Director reported at request of Councilmember Sullivan. Approved 7-0

- E-12. **(City Council) Adopt Resolution No. 2003-56 Authorizing Agreement Between the City and Union Pacific Railroad for Railroad Improvements at the Warner Avenue Crossing (Complements the Warner Avenue Rehabilitation Improvements; CC-1149)** (.) – Adopt Resolution No. 2003-56 – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Execution of the Agreement with Union Pacific Railroad Company.” Submitted by the Public Works Director. Funding Source: Funds in the amount of \$63,000 are budgeted in the Gas Tax Fund, Arterial Highway Rehabilitation Program Street Improvement Account.

Adopted 7-0

- E-13. (City Council) Approve Proposed Second Amendment to AES Huntington Beach Development, Inc. Option Agreement for the Purpose of Southeast Reservoir and Booster Pump Construction at Site No. 2 e/o Newland Street and s/o Edison Avenue (.) – 1.** Authorize the Mayor and City Clerk to execute an amendment to the Option Agreement with AES Huntington Beach Development, Inc. attached hereto and titled “*Second Amendment to that Certain August 14, 2001, Option Agreement and Escrow Instructions Between the City of Huntington Beach and AES Huntington Beach Development, Inc.* and any other documentation as approved by the City Attorney necessary to effectuate the exercise of the option; and **2.** Authorize the City Administrator, or designee, and the City Clerk to execute two additional amendments to extend the option period in accordance with the terms and conditions presented herein upon approval of the City Attorney. Submitted by the Administrative Services Director and the Public Works Director. Funding Source: Not applicable.

DPW reported. Approved 6-1 (Sullivan-No)

- E-14 (City Council) Adopt Resolution No. 2003-57 Denying the Water Pipeline Franchise Application of Southern California Water Company (SCWC) to Provide for the Upper Bolsa Chica Mesa (Developer, Hearthside Homes – Brightwater Residential Development) (.) - Adopt Resolution No. 2003-57 - “A Resolution of the City Council of the City of Huntington Beach Denying the Application of Southern California Water Company for a Water Pipeline Franchise.” Submitted by the City Attorney.** Funding Source: Not applicable. **(See Closed Session Item No. 1)**

(1) Motion to approve Franchise Application died for a lack of a second.

(2) Motion to deny Approved 6-1 (Green-NO)

F. Administrative Items

- F-1. (City Council) Approve Standard Sponsorship Agreement for HCP (Huntington Central Park) Sports Complex Banner, Scoreboard, Family Pavilion and Field Sponsorship Program (For Use with Spectrum Sports) (.)**

Communication from the Community Services Director and Special Projects Manager, Administration, informing Council that a standard sponsorship agreement has been prepared for staff to use with Spectrum Sports to secure sponsorships for scoreboards, parking lot banners, family pavilions, and fields at the HCP Sports Complex.

Recommended Action: Motion to:

1. Approve the proposed standard Sponsorship Agreement for Sponsorship of the Huntington Beach Central Park Sports Complex and fees as proposed;

and

2. Authorize the Director of Community Services to enter into sponsorship agreements on behalf of the city with sponsors for the HCP Sports Complex using the standard agreement;

and

(Continued on the Next Page)

3. Authorize the Community Services Director and City Clerk to execute each agreement.

Continue to next meeting at request of City Administrator

G. Ordinances

G-1. Ordinances for Adoption - None

G-2. Ordinances for Introduction - None

H. City Council/Redevelopment Agency Items

H-1a. Submitted By Mayor Connie Boardman

(City Council) Approve Appointments of Councilmember Debbie Cook and an Alternate Councilmember to Serve as the Delegates for the City at the 2003 Annual Conference of the League of California Cities (.)

Communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: The Annual Conference for the League of California Cities will be held from Sunday, September 7 through Wednesday, September 10, 2003 in Sacramento.

An important aspect of the Annual Conference is the annual business meeting when the membership takes action on conference resolutions. Each city is entitled to one vote in matters affecting Municipal or League policy. The League has requested that we notify them no later than Friday, August 8, 2003 of the names of our delegate and alternate.

Traditionally the City Council has appointed the Mayor as its delegate. Since I am not planning to attend the conference this year, I respectfully request that we appoint Councilmember Debbie Cook as the City's official delegate. I would also request a volunteer for the alternate from among the other members of the Council who are planning to attend.

To that end, I move that the Council approve the following:

Recommended Action: Motion to:

Appoint **Councilmember Debbie Cook** to serve as the delegate for the City of Huntington Beach at this year's Annual Conference of the League of California Cities.

Appoint Council Member **Gil Coerper** to serve as the alternate delegate for the City of Huntington Beach at this year's Annual Conference of the League of California Cities, September 7th through September 10th.

Approved 7-0

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H-2a. Submitted By Councilmember Sullivan**(City Council) Adopt an Amendment to Resolution No. 2003-51 (Adopted at the July 7, 2003 Council Meeting) Revising the City's Code of Ethics and Amend the City Council Manual (.)**

Communication from Councilmember Dave Sullivan transmitting the following
Statement of Issue: At the July 7, 2003, City Council meeting, the City Council adopted Resolution 2003-51 revising the City's Code of Ethics and amending the City Council Manual. On July 21, 2003, a motion to reconsider that amendment was approved.

While I am in agreement with removing the reference to gifts to be consistent with State law (Legislative Draft - Item 4, Section C), I would like to recommend that the time period deletion as shown on the Legislative Draft (Item 7) be reinserted, but changed to a one year time period. Although these limitations are not required by the State, I believe it is appropriate to call ourselves and other city officials to this higher standard, albeit two years seems too strict. Therefore, I am recommending that Resolution 2003-51 - "A Resolution of the City Council of the City of Huntington Beach Revising the City's Code of Ethics and Amending the City Council Manual" be adopted and amended as shown below.

Recommended Action: Motion to:

Adopt **Resolution 2003-51 as amended** revising the city's Code of Ethics and amending the City Council Manual, including the following language:

Seventh: Except for persons appointed to boards, commissions, and committees, officials shall not lobby for remuneration on behalf of any other individual or entity other than themselves to City staff or before the City Council or any City board, commission, or committee for a period of *one year* after their date of severance from the City.

And include 1/6/03 Council motion as follows: To require that each person sign acknowledging that they understand the Code of Ethics as adopted at the January 6, 2003 council meeting to approve the recommended action as amended to require that each person sign acknowledging that they understand the Code of Ethics (Elected Officers, all employees, Board, Commission and Committee members) and to direct the City Clerk to record in the official minutes that the Code of Ethics was presented to the City Council, the City Administrator, Chairpersons, and City Department Directors for review and distribution as required.

Adopted as amended 7-0

H-2b Submitted By Councilmember Sullivan**(City Council) Direct Staff to Present a Plan to Maintain Equivalent of Redevelopment Agency Tax Increment if Poseidon Seawater Desalinization Project is Approved and Later Sold to a Public Agency (.)**

Communication from Councilmember Dave Sullivan transmitting the following
Statement of Issue: If the Poseidon Seawater Desalination project is approved and later sold to a public agency, the Redevelopment Agency would lose the tax increment. There may be a way to insure continuation of the equivalent of the tax increment in this circumstance via an agreement with the Redevelopment Agency.

(Continued on the Next Page)

Recommended Action: Motion to:

Move that the Economic Development Director and the City Attorney present the City Council by August 31 with a plan to maintain the equivalent of the tax increment from the Poseidon project in the event it is sold to a public agency ***and amended to study research on utility tax issue. Discussion held between Council, City Attorney and Economic Development Director.***

Approved as amended 6-1 (Boardman-NO)

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Councilmember Dave Sullivan and Gil Coerper reported re: Community Meeting on Airport held at Library and the large turnout of citizens showing their concern re: the increased noise from flight path.

Councilmember Gil Corper announced Fire Captain George Shinrock has returned to duty from his service as a Marine in Iraq.

Councilmember Gil Coerper reported on Police Officers Paholski and Reed who received the 2003 Air Crew Award for the apprehension of suspects in a brutal attack on citizens.

Mayor Boardman and Councilmembers Cook and Houchen reported on their trip aboard US carrier and them meeting a young Huntington Beach serviceman, Jonathan Greathouse.

Council/Agency Adjournment to ***Monday, August 11, 2003, at 4:00 p.m.,*** in Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

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